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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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ASTRAZENECA AB, ASTRAZENECA LP,  
and POZEN INC.,

Plaintiffs,

v.

DR. REDDY'S LABORATORIES INC. and  
DR. REDDY'S LABORATORIES LTD.,

Defendants.

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Civil Action No. 11-cv-02317 (JAP)(LHG)

**PLAINTIFFS' ANSWER TO DR. REDDY'S LABORATORIES INC.'S AND DR.  
REDDY'S LABORATORIES LTD.'S COUNTERCLAIMS**

Plaintiffs AstraZeneca AB, AstraZeneca LP, and Pozen Inc. (collectively, "Plaintiffs"), by their attorneys, for their Answer to the Counterclaims of Defendants Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories Ltd. (collectively, "DRL" or "Defendants"), respond as set forth below.

**ANSWER TO DEFENDANTS' COUNTERCLAIMS**

44. No response is required. To the extent a response is required, Plaintiffs admit that DRL purports to allege counterclaims against Plaintiffs.

**PARTIES**

45. On information and belief, Plaintiffs admit the allegations of paragraph 45.

46. On information and belief, Plaintiffs admit the allegations of paragraph 46.

47. Plaintiffs admit the allegations of paragraph 47.

48. Plaintiffs admit the allegations of paragraph 48.

49. Plaintiffs admit the allegations of paragraph 49.

**JURISDICTION AND VENUE**

50. Plaintiffs admit that DRL purports to state an action for declaratory judgment under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, but deny that there is any factual or legal basis for the declaratory judgment action or that DRL is entitled to the relief it seeks. Plaintiffs admit that this Court has subject matter jurisdiction over the asserted claims. Plaintiffs deny the remaining allegations of paragraph 50.

51. Plaintiffs do not contest personal jurisdiction for this action only. Plaintiffs deny the remaining allegations of paragraph 51.

52. Plaintiffs admit the allegations of paragraph 52.

**The Asserted Patent**

53. Plaintiffs admit the allegations of paragraph 53.

54. Plaintiffs admit the allegations of paragraph 54.

**The Actual Controversy Concerning the Asserted Patent**

55. Paragraph 55 contains legal conclusions to which no response is required. To the extent a response is required, Plaintiffs admit that DRL purports to state an action for declaratory judgment, but deny that there is any factual or legal basis for the declaratory action. Plaintiffs admit that there is an actual controversy concerning DRL's infringement of the asserted claims (1, 5, 9-17, 22, 23, 35, 48, and 50-55) of the '907 patent with reference to ANDA No. 202461, in which DRL seeks FDA approval to manufacture, use, import, offer to sell, and/or sell in the United States DRL's proposed naproxen and esomeprazole magnesium delayed release tablet products. As to the non-asserted claims of the '907 patent, Plaintiffs have not asserted the remaining claims of the '907 patent and therefore deny those allegations of paragraph 55. Plaintiffs deny the remaining allegations of Paragraph 55.

**Answer to First Counterclaim**  
**Declaratory Judgment of Non-Infringement ('907 Patent)**

56. To the extent a reply is required, and except as alleged by Plaintiffs in their Complaint, Plaintiffs are without knowledge or information to form a belief as to the truth of the answers provided by DRL in paragraphs 1-36 of its Answer to Plaintiffs' Complaint, and they are therefore denied. Plaintiffs reallege and reincorporate their allegations contained in paragraphs 1-36 of their Complaint and the relief requested in their Prayer for Relief as if fully set forth herein, and insofar as DRL's answers in paragraphs 1-37 are inconsistent with Plaintiffs' allegations and requested relief, they are denied. Plaintiffs contest the merits of

DRL's affirmative defenses (paragraphs 38-43), and to the extent that any response by Plaintiffs is needed, Plaintiffs deny each and every allegation in paragraphs 38-43. Plaintiffs reassert and incorporate by reference their responses to paragraphs 44-55 of DRL's Counterclaims.

57. Plaintiffs admit that DRL purports to seek in its first counterclaim a declaration that DRL's proposed naproxen and esomeprazole magnesium delayed release tablet product does not infringe claims 2-4, 6-8, 18-20, 25-27, 30-31, 36, 38-40, 43-44 and 49 of the '907 patent. Plaintiffs have not asserted at least claims 2-4, 6-8, 18-20, 25-27, 30-31, 36, 38-40, 43-44 and 49 and therefore neither admit nor deny those allegations of paragraph 57. To the extent DRL alleges DRL's proposed naproxen and esomeprazole magnesium delayed release tablet product does not infringe the asserted claims (1, 5, 9-17, 22, 23, 35, 48, and 50-55), Plaintiffs deny the allegation. Plaintiffs deny the remaining allegations of Paragraph 57.

**Answer to Second Counterclaim**  
**Declaratory Judgment of Invalidity ('907 Patent)**

58. Plaintiffs admit that DRL purports to seek in its second counterclaim a declaration that at least claims 1, 5, 9-17, 21-24, 28-29, 32-35, 37, 41-42, 45-48, and 50-55 of the '907 patent are invalid, but deny that there is any factual or legal basis for this claim. To the extent paragraph 58 alleges any claim of the '907 patent is invalid, Plaintiffs deny the allegation. Plaintiffs deny the remaining allegations of paragraph 58.

Plaintiffs further deny each allegation contained in DRL's Counterclaim that was not specifically admitted, denied, or otherwise responded to in this Reply to Defendants' counterclaims.

**RESPONSE TO DRL'S PRAYER FOR RELIEF**

Plaintiffs deny that DRL is entitled to any relief as sought in its Counterclaims.

WHEREFORE, Plaintiffs therefore respectfully request the following relief:

- A. Dismissing DRL's Counterclaims with prejudice and denying all relief sought by DRL;
- B. Awarding Plaintiffs the relief requested in their Complaint; and
- C. Awarding Plaintiffs any further and other relief as this Court deems just and proper.

Dated: July 20, 2011

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2011, I caused the foregoing Plaintiffs' Answer to Dr. Reddy's Laboratories Inc.'s and Dr. Reddy's Laboratories Ltd.'s Counterclaims to be served upon the following counsel via electronic mail and the CM/ECF system:

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